

1 By

Harrington
Harrington

S.B. No.

624

A BILL TO BE ENTITLED

AN ACT

relating to the inspection of steam boilers; amending Chapter 436, Acts of the 45th Legislature, 1937, as amended (Article 5221c, Vernon's Texas Civil Statutes); and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. Chapter 436, Acts of the 45th Legislature, 1937, as amended (Article 5221c, Vernon's Texas Civil Statutes), is amended by amending Sections 3, as amended, 5, as amended, 10, and 12, as amended, and by adding Section 12A to read as follows:

"Section 3. Boilers under Federal control and stationary boilers at round houses, pumping stations and depots of railway companies under the supervision or inspection of the Superintendent of Motive Power of such railway companies are exempt from the provisions of this Act.

"Section 5. Every insurance company authorized to insure and inspect boilers in this State shall, within thirty (30) days after inspecting any boiler, file a duplicate report of such inspection with the Commissioner showing the date of such inspection together with the name of the inspector making such inspection, and such report shall show fully the condition and location of such boiler at the time such inspection was made. Such report shall also state when the policy of insurance was issued by the insurance company on said boiler and the date of expiration of such policy of insurance.

"The owner or user of every boiler inspected by an inspector regularly employed by an insurance company authorized to do business in this State on which such insurance company has issued a policy of insurance after inspection thereof, shall be exempt from other inspections and inspection fees under the provision of this Act; provided nothing in this Section shall prevent the Commissioner from authorizing the inspection of any insured boiler at any reasonable time when, in the opinion of the Commissioner, such insured boiler may be in an unsafe condition, provided the Commissioner shall contact the insurance company carrying insurance on such boiler and that the inspector for the insurance company carrying such insurance and the inspector or deputy inspector shall jointly and together inspect the boiler, within twenty (20) days. The Commissioner is authorized and has authority to issue a Certificate of Operation to the owner or user of all boilers subject to inspection under this Act, and the owner or user of an insured boiler shall pay the sum of Five Dollars (\$5) for each Certificate of Operation issued, and the owner or user of a State inspected boiler shall pay a like sum of Five Dollars (\$5) for each Certificate of Operation issued, which said fee shall be and is absorbed by the internal and external inspection fee authorized

1 in Section 12 of this Act. Every insurance company shall notify
2 the Commissioner in writing of the cancellation or expiration of
3 every policy of insurance issued by it with reference to boilers
4 in this State, within twenty (20) days after the expiration or
5 cancellation of said policy, giving the cause or reason for such
6 cancellation or expiration. Such notice of cancellation or expir-
7 ation shall show the date of the policy and the date when the
8 cancellation or expiration has or will become effective.

9 "Section 10. The Commissioner may cause the inspection pro-
10 vided for in this Act to be made either by the inspector of
11 boilers or any deputy inspector, or by any qualified boiler
12 inspector regularly employed by any boiler insurance company
13 authorized to insure and inspect boilers in the State, provided
14 that such persons making inspections (other than the inspector of
15 boilers or deputy inspectors regularly employed by the Commis-
16 sioner) shall first obtain from the Commissioner a commission as
17 inspector showing his qualifications to make such inspections.
18 The Commissioner is vested with full power and authority to deter-
19 mine the qualifications of any applicant or other person seeking
20 a commission as inspector, by examination. At the discretion of
21 the Commissioner he may accept, after proper investigation by him,
22 the commission issued to an inspector by any other state having
23 an examination equal to that of the State of Texas. The Commis-
24 sioner may rescind at any time, upon good cause being shown there-
25 for, any commission as inspector issued by him to any person, and
26 he may at any time, upon good cause being shown therefor and after
27 notice and opportunity for hearing thereon, revoke any Certificate
28 of Operation issued for any boiler within this State.

29 "Sec. 12. The Commissioner shall fix and collect fees for
30 the inspection of boilers covered by this Act, such fees shall be
31 as follows:

32 Power Boilers

33	Boilers of 50 sq. ft. or less of heating surface	\$10
34	Boilers exceeding 50 sq. ft. of heating surface	
35	and not exceeding 100 sq. ft. heating surface	15
36	Boilers over 100 sq. ft. of heating surface	
37	and not exceeding 500 sq. ft. heating surface	20
38	Boilers over 500 sq. ft. of heating surface	
39	and not exceeding 1500 sq. ft. heating surface	25
40	Boilers over 1500 sq. ft. of heating surface	30

41 Low Pressure Heating Boilers

42	Boilers without manhole	15
43	Boilers with manhole	20

44 Provided that, when a boiler is found unfit for further use no
45 Certificate of Inspection shall be issued and the use of such
46 condemned boiler shall be prohibited. Provided further that the
47 Commissioner or any of his employees shall not have authority to
48 prescribe the make, brand, or kind of boilers to buy or purchase.
49 Such fees must be paid by the owner or user before the issuance of
50 a Certificate of Operation for the boiler inspected. All fees
51 collected by the Commissioner under Section 5 and 12 of this Act
52 shall be paid into the State Treasury to the credit of the General
53 Revenue Fund.

1 "Section 12A. (a) In this section, 'special inspection'
2 means any inspection performed by the inspector of boilers or any
3 deputy inspector employed by the State of Texas, other than the
4 regular annual internal and/or external inspection provided for
5 in Section 4 or 4a of the Act.

6 "(b) A fee of \$100 per day or any part of a day shall be
7 charged for a special inspection, plus the current required State
8 travel fee and per diem.

9 "(c) All fees collected by the Commissioner under this
10 section shall be deposited by the Commissioner in a bank and shall
11 be used only for the purpose of in-service training and education
12 of the office staff and inspectors employed by the Boiler Inspec-
13 tion Division."

14 Sec. 2. The importance of this legislation and the crowded
15 condition of the calendars in both houses create an emergency and
16 an imperative public necessity that the Constitutional Rule
17 requiring bills to be read on three several days in each house be
18 suspended, and this Rule is hereby suspended, and that this Act
19 take effect and be in force from and after its passage, and it is
20 so enacted.

Austin, Texas

May 10 _____, 19⁷¹_____

Hon. Ben Barnes
President of the Senate

Sir:

We, your Committee on State Departments and Institutions,
to which was referred S. B. No. 624, have had the same
under consideration, and I am instructed to report it back to
the Senate with the recommendation that it do _____
pass as amended and be _____ printed.



Chairman

Bill Analysis

BACKGROUND INFORMATION:

PURPOSE OF THE BILL: Relates to inspection of steam boilers

SECTION BY SECTION SUMMARY:

Section 1: Amends Sections 3,5,10,12, and adds Section 12A, Article 5221C, VTCS, relating to inspection of steam boilers, so that:

Section 3: Change is to delete provision exempting automobile boilers and boilers on road vehicles from provisions of this Act.

Section 5: Raises fee for Certificate of Operation for boilers from \$3 to \$5; eliminates provision that no additional charge be made for insured boilers which are inspected by both the State inspector and the inspector for the insurance company; requires that the insurance companies be authorized to insure and inspect boilers in this State; requiring that inspectors for insurance companies be regularly employed by the insurance companies; other changes in wording.

Section 10: Change is to eliminate city and county boiler inspectors from making the boiler inspections required by this Act.

Section 11: Provides schedule of fees for inspection of boilers according to amount of heating surface; eliminates provision requiring inspector, after tearing down a boiler in a cleaning and pressing establishment, to help repair and assemble boiler; eliminates provision necessitated by change in Section 10; other changes in wording.

Section 12A: Provides for fee of \$100 per day for special inspection (other than annual internal or external inspection); provides that fees collected from special inspection be used for in-service training and education of office staff and inspectors employed by the Boiler Inspection Division

Section 2: Emergency clause

McKool

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1 COMMITTEE AMENDMENT NO. 1

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5 Amend S.B. No. 624 by changing the period to a comma at
6
7 the end of the first sentence in the second paragraph of the
8
9 quoted Section 5 and adding the words "for which inspection no
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11 additional charge shall be made as set forth in Section 12 of
12
13 this Act."
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ADOPTED

MAY 13 1971

Charles Schmale

SECRETARY OF SENATE

#1

Adopted

Amend caption to conform to body
of bill.

576 624

ADOPTED

MAY 13 1971

Charles Schuch
SECRETARY OF SENATE

#2

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"The owner or user of every boiler inspected by an inspector regularly employed by an insurance company authorized to do business

in this State on which such insurance company has issued a policy of insurance after inspection thereof, shall be exempt from other inspections and inspection fees under the provisions of this Act; provided nothing in this section shall prevent the Commissioner from authorizing the inspection of any insured boiler at any reasonable time when, in the opinion of the Commissioner, such insured boiler may be in an unsafe condition, provided the Commissioner shall contact the insurance company carrying insurance on such boiler and that the inspector for the insurance company carrying such insurance and the inspector or deputy inspector shall jointly and together inspect the boiler, within twenty (20) days, for which inspection no additional charge shall be made as set forth in Section 12 of this Act. The Commissioner is authorized and has authority to issue a Certificate of Operation to the owner or user of all boilers subject to inspection under this Act, and the owner or user of an insured boiler shall pay the sum of Five Dollars (\$5) for each Certificate of Operation issued, and the owner or user of a State inspected boiler shall pay a like sum of Five Dollars (\$5) for each Certificate of Operation issued, which said fee shall be and is absorbed by the internal and external inspection fee authorized in Section 12 of this Act. Every insurance company shall notify the Commissioner in writing of the cancellation or expiration of every policy of insurance issued by it with reference to boilers in this State, within twenty (20) days after the expiration or cancellation of said policy, giving the cause or reason for such cancellation or expiration. Such notice of cancellation or expiration shall show the date of the policy and the date when the cancellation or expiration has or will become effective.

"Section 10. The Commissioner may cause the inspection provided for in this Act to be made either by the inspector of boilers or any deputy inspector, or by any qualified boiler inspector regularly employed by any boiler insurance company authorized to insure and inspect boilers in the State, provided that such persons making inspections (other than the inspector of boilers or deputy inspectors regularly employed by the Commissioner) shall first obtain from the Commissioner a commission as inspector showing his qualifications to make such inspections. The Commissioner is vested with full power and authority to determine the qualifications of any applicant or other person seeking a commission as inspector, by examination. At the discretion of the Commissioner he may accept, after proper investigation by him, the commission issued to an inspector by any other state having an examination equal to that of the State of Texas. The Commissioner may rescind at any time, upon good cause being shown therefor, any commission as inspector issued by him to any person, and he may at any time, upon good cause being shown therefor and after notice and opportunity for hearing thereon, revoke any Certificate of Operation issued for any boiler within this State.

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Boilers without manhole	15
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Provided that, when a boiler is found unfit for further use no Certificate of Inspection shall be issued and the use of such condemned boiler shall be prohibited. Provided further, that the Commissioner or any of his employees shall not have authority to prescribe the make, brand, or kind of boilers to buy or purchase. Such fees must be paid by the owner or user before the issuance of a Certificate of Operation for the boiler inspected. All fees collected by the Commissioner under Sections 5 and 12 of this Act shall be paid into the State Treasury to the credit of the General Revenue Fund.

"Section 12A. (a) In this section, 'special inspection' means any inspection performed by the inspector of boilers or any deputy inspector employed by the State of Texas, other than the regular annual internal and/or external inspection provided for in Section 4 or 4a of the Act.

"(b) A fee of \$100 per day or any part of a day shall be charged for a special inspection, plus the current required State travel fee and per diem.

"(c) All fees collected by the Commissioner under this section shall be deposited by the Commissioner in a bank and shall be used only for the purpose of in-service training and education of the office staff and inspectors employed by the Boiler Inspection Division."

Sec. 2. The importance of this legislation and the crowded condition of the calendars in both Houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and this Rule is hereby suspended; and that this Act take effect and be in force from and after its passage, and it is so enacted.

S.B. No. 624
SJR.

By Harrington

AN ACT relating to the inspection of steam boilers; amending Chapter 436, Acts of the 45th Legislature, 1937, as amended (Article 5221c, Vernon's Texas Civil Statutes); and declaring an emergency.

3-11-71 Filed with the Secretary of the Senate

MAR 11 1971

Read, referred to Committee on Insurance

MAY 11 1971

Reported favorably, as amended

Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

Ordered not printed.

Senate and Constitutional Rules to permit consideration suspended by

{ unanimous consent.

{ _____ years, _____ nays.

To permit consideration, reading and passage, Senate and Constitutional Rules suspended by vote of _____ years, _____ nays.

MAY 13 1971

Read second time and

{ ordered engrossed, as amended
passed to third reading.

MAY 13 1971

Caption ordered amended to conform to body of bill.

MAY 13 1971

Senate and Constitutional 3-Day Rules suspended by vote of

31 years, 0 nays to place bill on third reading and final passage.

MAY 13 1971

Read third time and passed by

{ ~~viva voce vote.~~

{ 31 years, 0 nays.

* OTHER ACTION:

MAY 5 1971

RE-REFERRED TO COMMITTEE ON
~~State Departments and Institutions~~

Charles Schnabel

Secretary of the Senate

MAY 13 1971

Received from
the Senate

Dorothy Hallman

Chief Clerk, House of Representatives

MAY 17 1971

READ 1st TIME

AND REFERRED TO COMMITTEE ON

State Affairs

Dorothy Hallman

Chief Clerk, House of Representatives

5-13-71 Engrossed

MAY 13 1971

Sent to HOUSE

ENGROSSING CLERK